

BILL ANALYSIS

C.S.H.B. 3046
By: Kacal
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 86th Legislature passed H.B. 1067, which provided for a deceased candidate to be removed from ballots if the candidate dies before the election's filing deadline. While that legislation was a good effort to address the problem, elections officials and administrators should be allowed to remove a deceased candidate from the ballot at any point before an election. Especially in small towns, allowing deceased candidates to remain on ballots and filling the vacancies left by their candidacy can become costly for local governments. C.S.H.B. 3046 seeks to address this issue by providing for deceased candidates for certain local offices to be removed from the ballot if the candidate dies before the ballots are printed.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3046 amends the Election Code to require the authority responsible for preparing the ballots in an election, other than the general election for state and county officers, to do the following if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority chooses to omit the candidate's name from the ballot, and the filing deadline is extended accordingly until the fifth day after the filing deadline:

- prepare a notice identifying the name of the deceased candidate, the office sought by the candidate, and the date of the new filing deadline; and
- publish the notice in the following manner:
 - on the website maintained by the political subdivision holding the election; or
 - if the political subdivision does not maintain a website, on the bulletin board used for posting notice of meetings of the governing body of the political subdivision.

If a candidate for an office of a city with a population of 100,000 or less dies before the ballots are printed, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot. The bill applies only to an election ordered on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3046 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced requiring the authority responsible for preparing the ballots in an election, other than the general election for state and county officers, that chooses to omit a deceased candidate from the ballot and extend the filing deadline for an application for a place on the ballot to prepare and publish a notice regarding the deceased candidate and the extended deadline.

Whereas the introduced authorized any authority responsible for preparing the ballots in an election, other than the general election for state and county officers, to choose to omit a candidate who dies from the ballot if the candidate dies before the ballots are printed, the substitute restricts application of that authority to a candidate for an office of a city with a population of 100,000 or less.